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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,103	11/06/2001	Krishna Seshan	42390P5778D	1577
8791	7590	08/24/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			LEWIS, MONICA	
12400 WILSHIRE BOULEVARD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2822	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/013,103

Applicant(s)

SESHAN ET AL.

Examiner

Monica Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the request for election filed July 11, 2005.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/25/05 has been entered.

#### ***Election/Restrictions***

4. Applicant's election of Embodiment I in the reply filed on 7/11/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 27 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cox (U.S. Patent No. 6,166,439).

In regards to claim 27, Cox discloses the following:

- a) a substrate (50b) (For Example: See Figure 4H);
- b) an insulating layer (50a) formed directly on the substrate (For Example: See Figure 4H);
- c) at least one conductive structure (54) formed directly on the insulating layer (For Example: See Figure 4H);
- d) a first layer (61) (For Example: See Figure 4H);
- e) the first layer is disposed between the insulating layer and the second layer (59) (For Example: See Figure 4H);
- f) the first layer and the second layer comprise one common chemical element other than silicon (For Example: See Column 7 Lines 44-46 and Column 8 Lines 12-16); and
- g) the second layer is a passivation layer formed on the first layer (For Example: See Figure 4H).

Finally, the following limitation makes it a product by process claim: a) “formed from a modification of a portion of the insulating layer.” The MPEP § 2113, states, “Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious

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from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product per se, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product per se which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

7. Claims 17-19, 21, 22 and 29 are rejected under 35 U.S.C. 103(a) as obvious over Cox (U.S. Patent No. 6,166,439) in view of Applicant's Prior Art.

In regards to claim 17, Cox discloses the following:

a) a substrate (50b) comprising at least one level of interconnection (For Example: See Figure 4H);

b) an insulating layer (50a) formed directly on a surface of the substrate (For Example: See Figure 4H);

c) at least one conductive structure (54) formed directly on the insulating layer, the conductive structure comprising a contact to the at least one level of interconnection of the substrate (For Example: See Figure 4H);

d) an adhesion layer (61) formed on a top surface of said insulating layer (For Example: See Figure 4H); and

e) a first passivation layer (59) formed on a top surface of said adhesion layer (For Example: See Figure 4H).

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In regards to claim 17, Cox fails to disclose the following:

- a) a first passivation layer formed on a top surface of the conductive structure.

However, Applicant's Prior Art discloses a semiconductor device that has a first passivation layer (40) formed on a top surface of the conductive structure (33) (For Example: See Figure 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a first passivation layer formed on a top surface of the conductive structure as disclosed in Applicant's Prior Art because it aids in protecting the device from scratches, moisture and impurities (For Example: See Page 10 Lines 9 and 10).

Additionally, since Cox and Applicant's Prior Art are both from the same field of endeavor, the purpose disclosed by Applicant's Prior Art would have been recognized in the pertinent art of Cox.

In regards to claim 18, Cox fails to disclose the following:

- a) a second passivation layer formed upon said first passivation layer.

However, Applicant's Prior Art discloses a semiconductor device that has a second passivation layer (45) formed upon said first passivation layer (40) (For Example: See Figure 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a second passivation layer formed upon said first passivation layer as disclosed in Applicant's Prior Art because it aids in protecting the device from scratches, moisture and impurities (For Example: See Page 10 Lines 9 and 10).

Additionally, since Cox and Applicant's Prior Art are both from the same field of endeavor, the purpose disclosed by Applicant's Prior Art would have been recognized in the pertinent art of Cox.

In regards to claim 19, Cox discloses the following:

a) oxide layer includes silicon dioxide ( $\text{SiO}_2$ ) (For Example: See Page 5 Lines 1-7).

In regards to claim 21, Cox fails to disclose the following:

a) first passivation layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ).

However, Applicant's Prior Art discloses a semiconductor device that has a first passivation layer (40) that includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Figure 6 and Page 10 Line 15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a semiconductor device that has a first passivation layer that includes silicon nitride as disclosed in Applicant's Prior Art because it aids in protecting the device from scratches, moisture and impurities (For Example: See Page 10 Lines 9 and 10).

Additionally, since Cox and Applicant's Prior Art are both from the same field of endeavor, the purpose disclosed by Applicant's Prior Art would have been recognized in the pertinent art of Cox.

In regards to claim 22, Cox fails to disclose the following:

a) second passivation layer includes polyimide.

However, Applicant's Prior Art discloses a semiconductor device that has a second passivation layer (45) that includes polyimide (For Example: See Figure 6 and

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Page 10 Line 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a semiconductor device that has a second passivation layer that includes polyimide as disclosed in Applicant's Prior Art because it aids in protecting the device from scratches, moisture and impurities (For Example: See Page 10 Lines 9 and 10).

Additionally, since Cox and Applicant's Prior Art are both from the same field of endeavor, the purpose disclosed by Applicant's Prior Art would have been recognized in the pertinent art of Cox.

In regards to claim 29, Cox fails to disclose the following:

a) second layer includes silicon nitride ( $\text{Si}_3\text{N}_4$ ).

However, Applicant's Prior Art discloses a semiconductor device that has a second layer (40) that includes silicon nitride ( $\text{Si}_3\text{N}_4$ ) (For Example: See Figure 6 and Page 10 Line 15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a semiconductor device that has a second layer that includes silicon nitride as disclosed in Applicant's Prior Art because it aids in protecting the device from scratches, moisture and impurities (For Example: See Page 10 Lines 9 and 10).

Additionally, since Cox and Applicant's Prior Art are both from the same field of endeavor, the purpose disclosed by Applicant's Prior Art would have been recognized in the pertinent art of Cox.



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8. Claim 20 is rejected under 35 U.S.C. 103(a) as obvious over Cox (U.S. Patent No. 6,166,439) in view of Applicant's Prior Art and Dass et al. (U.S. Patent No. 6,046,101).

In regards to claim 20, Cox fails to disclose the following:

a) adhesion layer includes silicon oxynitride.

However, Dass et al. ("Dass") discloses a semiconductor device that has an adhesion layer that includes silicon oxynitride (For Example: See Column 7 Line 19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a semiconductor device that has an adhesion layer that includes silicon oxynitride as disclosed in Dass because it aids in protecting the conductive structure from contamination (For Example: See Page 7 Lines 59-63).

Additionally, since Cox and Dass are both from the same field of endeavor, the purpose disclosed by Dass would have been recognized in the pertinent art of Cox.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as obvious over Cox (U.S. Patent No. 6,166,439) in view of Dass et al. (U.S. Patent No. 6,046,101).

In regards to claim 28, Cox fails to disclose the following:

a) the first layer includes silicon oxynitride.

However, Dass discloses a semiconductor device that has a first layer that includes silicon oxynitride (For Example: See Column 7 Line 19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Cox to include a semiconductor device that has a first layer that includes silicon oxynitride as disclosed in Dass because it aids in protecting the conductive structure from contamination (For Example: See Page 7 Lines 59-63).

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Additionally, since Cox and Dass are both from the same field of endeavor, the purpose disclosed by Dass would have been recognized in the pertinent art of Cox.

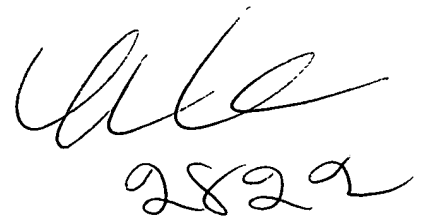
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

August 18, 2005

A handwritten signature, possibly reading 'Ulla', is written above the number '2822'.